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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,786	03/04/2004	Hirofumi Oda	0033-0918P	5328
2292 7590 06/15/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER HENN, TIMOTHY J	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 06/15/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/791,786	ODA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy J. Henn	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-7, 15, 16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimamura (US 2003/0125080).

#### **[claim 1]**

Regarding claim 1, Shimamura discloses an image pickup device comprising: a main body (Figure 1, Item 1); a camera for taking a picture (Figure 3, Item 22; Figure 7, Items 22 and 23); and a display device displaying a taken picture and arranged at a surface of the main body on the same side as the camera (Figure 3, Item 11; Figure 7, Item 11; Figure 8B; The examiner notes that a reflection of the subject can be read as "a taken picture" after the camera captures an image of that subject. It is further noted that the claims as written do not require the method by which the "taken picture" is displayed), wherein the camera is fixed to the main body such that an optical axis of the

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camera extends in a direction different from a direction perpendicular to a display surface of the display device (Figure 7).

**[claim 2]**

Regarding claim 2, Shimamura discloses a camera arranged on one side of vertically opposite sides of the display device, and the optical axis of the camera is inclined towards the other side (Figure 7).

**[claim 4]**

Regarding claim 4, Shimamura discloses an alternate embodiment where the display device is a main display portion arranged on one of opposite surfaces of the main body (Figure 12, Item 48), the image pickup device further comprising a sub-display portion arranged on the other surface of the main body (Figure 13, Item 49) and the camera and the main display portion are arranged on the one side of the opposite surfaces of the main body (Figure 12).

**[claim 5]**

Regarding claim 5, Shimamura discloses a main display portion arranged on one of opposite surfaces of the main body (Figure 2, Item 9); wherein the display device is a sub-display portion arranged on the other surface of the main body and the camera and the sub-display portion are arranged on the other surface of the main body (Figures 2 and 3).

**[claim 6]**

Regarding claim 6, Shimamura discloses a main body which has a structure formed of first and second bodies coupled together (Figure 2, Items 17 and 18 and

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hinge portion 16), and the camera and the display device are arranged on the first body (Figure 3, Item 17).

**[claim 7]**

Regarding claim 7, Shimamura discloses a main body which has a structure formed of first and second bodies coupled together (Figure 2, Items 18 and 17 and hinge portion 16), and the camera and the display device are arranged on the second body (Figure 3, Item 17).

**[claim 15]**

Regarding claim 15, Shimamura discloses an image pickup device comprising: a main body (Figure 1, Item 1) including a first side and a second side (Figures 3 and 2); a camera for taking a picture fixed to the main body first side and having an optical axis (Figure 3, Item 22; Figure 7, Items 22 and 23); and a first display device including a display surface displaying a taken picture and arranged at a surface of the main body on the first side (Figure 3, Item 11; Figure 7, Item 11; Figure 8B; The examiner notes that a reflection of the subject can be read as "a taken picture" after the camera captures an image of that subject. It is further noted that the claims as written do not require the method by which the "taken picture" is displayed), wherein the optical axis extends in a direction different from a direction perpendicular to the display surface (Figure 7).

**[claim 16]**

Regarding claim 16, Shimamura discloses a first display device including first and second vertically opposite sides and the camera is arranged on one of the first and

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second vertically opposite sides, and the optical axis of the camera is inclined toward the other of the first and second vertically opposite sides (Figure 7).

**[claim 18]**

Regarding claim 18, Shimamura discloses a second display device on the second side of the main body (Figure 2, Item 9).

**[claim 19]**

Regarding claim 19, Shimamura discloses an alternate embodiment wherein the first display device comprises a main display (Figure 12, Item 48) and the second display device comprises a sub-display (Figure 13, Item 49).

**[claim 20]**

Regarding claim 20, Shimamura discloses a first display device comprising a sub-display (Figure 3, Item 11) and a second display comprising a main display (Figure 2, Item 9).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura (US 2003/0125080).

**[claim 3]**

Regarding claim 3, Shimamura discloses arranging the camera on a first side of the display and an optical axis which is inclined towards the other side (Figure 7), however Shimamura does not disclose arranging the camera on a first side of laterally opposed sides. Official Notice is taken that it is well known in the art that cameras can be provided on a vertical side of a display, or a lateral side of the display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the camera on a lateral side of the display as claimed. Furthermore, since Shimamura discloses inclining the camera towards a user, it would be obvious to incline the camera towards the opposite lateral side as claimed (Paragraph 0074).

**[claim 8]**

Regarding claim 8, Shimamura discloses a main body, but does not disclose a main body which has a structure formed of a single body. Official Notice is taken that camera phones, such as the image pickup device described by Shimamura, are commonly produced in "flip-phone style" (i.e. Figures 1 and 2 of Shimamura) where the phone is comprised of two bodies and a hinge, or "candy bar style" in which the phone is comprised of a single elongated body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a single body as claimed for the structure of Shimamura since such a construction is a well known art recognized equivalent.

**[claim 17]**

Regarding claim 17, Shimamura discloses arranging the camera on a first side of the display and an optical axis which is inclined towards the other side (Figure 7),

however Shimamura does not disclose arranging the camera on a first side of laterally opposed sides. Official Notice is taken that it is well known in the art that cameras can be provided on a vertical side of a display, or a lateral side of the display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the camera on a lateral side of the display as claimed. Furthermore, since Shimamura discloses inclining the camera towards a user, it would be obvious to incline the camera towards the opposite lateral side as claimed (Paragraph 0074).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura (US 2003/0125080) in view of Iida (JP 2003-051872).

**[claim 9]**

Regarding claim 9, Shimamura discloses a main body with a structure formed of first and second bodies foldably coupled together (Figure 2, Items 17 and 18) and a camera arranged on the first body (Figure 3 or Figure 12). However, Shimamura does not disclose an additional camera arranged on the second body.

Iida discloses an image pickup device including a display and a first camera (Figure 5, Item 2L) formed on a first body and a second body foldably coupled to the first body which includes a second camera (Figure 5, Item 2R) allowing for stereoscopic or panoramic image capture. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange a second camera on the second body of Shimamura as taught by Iida to allow for stereoscopic or panoramic image capture.



7. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura (US 2003/0125080) in view of Kuroda (US 2003/0036365).

**[claim 10]**

Regarding claim 10, Shimamura discloses an image pickup device comprising a main body having a structure formed of first and second bodies coupled together (Figure 2, Items 17 and 18) and a camera formed on the first body (Figure 12, Item 22). However Shimamura does not disclose an additional camera formed on the first body.

Kuroda discloses an image pickup device including a display and first and second bodies coupled together wherein the first body includes two cameras, a first camera for close-up image capture (Figure 5, Item 6) and a second camera for long range image capture (Figure 6, Item 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second camera on the opposite side of the first body of Shimamura for long-range image capture as taught by Kuroda to capture images of objects which are distant from the image pickup device.

**[claim 11]**

Regarding claim 11, Kuroda discloses first and second cameras which are arranged on different surfaces of the first body (Figures 5 and 6).

**[claim 12]**

Regarding claim 12, Shimamura discloses a camera which has an optical axis different from a direction perpendicular to the display surface of the display device

(Figure 7; Paragraph 0074). Kuroda discloses providing an additional camera for long-range photography which has an optical axis perpendicular to a display surface (e.g. Figure 7). Since the additional camera is not used for capturing an image of the operator, it would be obvious to maintain the optical axis perpendicular to the display surface as taught by Kuroda when adding the additional camera to the image pickup device of Shimamura.

8. Claims 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura (US 2003/0125080) in view of Koizumi et al. (US 6,259,470).

**[claim 10]**

Regarding claim 10, Shimamura discloses an image pickup device comprising a main body having a structure formed of first and second bodies coupled together (Figure 2, Items 17 and 18) and a camera formed on the first body (Figure 12, Item 22). However Shimamura does not disclose an additional camera formed on the first body.

Koizumi discloses that when an operator captures an image of himself/herself by holding the camera and viewing a preview, the resulting image appears as if the operator is staring off (c. 1, l. 60 - c. 2, l. 7). To solve this problem, Koizumi teaches placing cameras around the display and synthesizing an image from the multiple cameras (e.g. Figure 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include additional cameras arranged on the same surface as the first camera as taught by Koizumi to synthesize an image

without the problem of the operator appearing to be staring off.

**[claim 13]**

Regarding claim 13, Koizumi discloses placing the additional cameras on the same side as the first camera (Figure 14; i.e. on the same side of the first body of Shimamura).

**[claim 14]**

Regarding claim 14, Shimamura discloses placing a camera on one of vertically opposite sides of the display device and inclining the optical axis of the camera towards the other side of the vertically opposite sides (Figures 7 and 12). Koizumi discloses placing an additional camera on one of laterally opposite sides of the display device (e.g. Figure 14, Item 76). Shimamura further discloses aiming the camera towards an operator (Paragraph 0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incline the optical axis of the additional camera towards the opposite laterally opposed side since the additional camera is also used to capture an image of the operator.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- |      |                  |                 |
|------|------------------|-----------------|
| i.   | Uchiyama         | US 6,900,843    |
| ii.  | Yamaguchi et al. | US 2004/0130658 |
| iii. | Watanabe et al.  | US 2004/0090552 |

iv.	Kawasaki et al.	US 7,173,665
v.	Wakabayashi et al.	US 5,903,706
vi.	Ishikawa	US 6,323,902
vii.	Kerai et al.	US 6,518,993
viii.	Silvester	US 6,812,958
ix.	Nakakubo et al.	US 2004/0017479


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJH  
6/9/2007



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